HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.701 of 2007

Dated:19.01.2007

Between:

Gunturu Rama Konda Raju.

…Petitioner.

and

State of Andhra Pradesh represented by its Principal Secretary to Government, Revenue Department, Secretariat, Hyderabad. and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.701 of 2007

ORDER:

The petitioner is said to have purchased a Flat in first floor of Block "A" of a complex known as 'Seashells', constructed on T.S.No.1027 (P) in Waltair Ward, Visakhapatnam. His grievance is that the 2nd respondent is refusing to accept the document for registration and not even receiving the amount towards stamp duty and registration charges. He contends that the 2nd respondent is refusing to receive the document on the basis of instructions said to have been issued by the 1st respondent under Section 22-A of the Registration Act, 1908 (for short "the Act"). He further contends that Section 22-A of the Act is no longer on the statute board and seeks appropriate direction for registration of the document.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowers the Government to issue notification, prohibiting registration of documents, in relation to any lands mentioned therein. However, the said provision was set aside

by the Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]. The result is that the 1st respondent cannot issue any directions to the registering authorities not to register any documents in relation to any properties.

Learned Government Pleader for Revenue submits that the petitioner has not even presented the document for registration. On the other hand, it is contended that the 2nd respondent is not supplying the stamps, nor receiving the registration fee.

For the foregoing reasons, the Writ Petition is disposed of, directing the 2nd respondent to receive the document for registration, duly supplying the stamps and receiving registration fee, and process the same in accordance with the provisions of the Act. The 2nd respondent shall not refuse registration on the basis of any instructions said to have been issued by the 1st respondent. There shall be no order as to costs.

Dt.19.01.2007 **L.NARASIMHA REDDY, J**

Note: Furnish C.C. in three days.

(B/o)

GJ

[1] AIR 2005 SC 3401=(2005) 12 SCC 77